THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.693 OF 2006

Dated: 10-01-2006

Between

A. Bhaskar, S/o. Bala Mallaiah,

Occ: Labour, Uppal, R.R. District

and others.

...PETITIONERS

AND

The Station House Officer, Uppal

Police Station, Uppal, R.R. District

and another.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondents in interfering with the civil disputes and calling them to the police station as illegal and arbitrary.

Learned counsel for the petitioners submits that each petitioner was assigned house site in an extent of 100 Sq. yards in Sy.No.789/1, Uppal Village vide different pattas dated 28.07.1983 and they have been in possession and enjoyment of the said house sites by constructing compound walls. While so, when the third parties made an attempt to encroach their house sites, the petitioners filed a suit in O.S.No.1381 of 2005 on the file of the I Additional Senior Civil Judge, Ranga Reddy District for permanent injunction along with

an application in I.A.No.2169 of 2005 for temporary injunction.

The interim injunction was granted on 27.09.2005, which was subsequently extended until further orders by order dated 18.10.2005. However, at the instigation of the third parties the respondents are interfering with the civil disputes of the petitioners in spite of the fact that there subsists an injunction from the Civil Court.

Unless any report/complaint is filed alleging that the petitioners have committed a cognizable offence and unless a criminal action is set in motion by way of registering the FIR, the respondents cannot interfere with the civil disputes.

Having regard to the facts and circumstances of the case,

the respondents are directed not to interfere with the civil disputes and not to interfere with the life and liberty of the petitioners without there being any report/complaint alleging that the petitioners have committed a cognizable offence.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

January 10, 2006

DSK